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ORIGINAL
(RED)

THIS DEED, made this the 18th day of March, 1970, by and between BERWIND CORPORATION, a Pennsylvania corporation, party of the first part, and E. WILLIAM SHAFFER, party of the second part,

W I T N E S S E T H :

That for and in consideration of the sum of FIVE THOUSAND DOLLARS (\$5,000.00), cash in hand paid, the receipt of which is hereby acknowledged, the party of the first part does hereby grant and convey unto the party of the second part with covenant of Special Warranty of title the surface and surface only of that certain parcel of land situate and being in the unincorporated town of Minden, in Fayetteville District, Fayette County, West Virginia, and more particularly bounded and described as follows:

Beginning at a point in Arbuckle Creek, said point being the southeast corner of Lot 318 in Block No. 2 of the Minden Subdivision, said Subdivision being shown on a map filed in Map Book 14, at Page 32, in the Office of the Clerk of the County Court of Fayette County, West Virginia; thence, leaving said Lot 318 and running downstream with said Arbuckle Creek,

N 55° 27' 30"	E	206.83 feet	to a point; thence, continuing with said Arbuckle Creek,
N 69° 58' 10"	E	274.92 feet	to a point; thence, leaving said Arbuckle Creek,
S 35° 20'	E	35 feet,	more or less, to a point on the northerly right-of-way line of the Minden Tipton Empty Tracks of the C. & O. Railway Company; thence with said right-of-way line by a compound curve in a southwesterly direction, a distance of
		510 feet,	more or less, to a point; thence, leaving said right-of-way line,
N 6° 29' 50"	W	40 feet,	more or less, to a T-Rail on line; thence
N 6° 29' 50"	W	35.64 feet	to the Beginning, containing 1.11 acres, more or less.

Both parties hereto, their successors, assigns and lessees, shall have the right to use, but not exclusive of others, as a means of ingress and egress to and from the above described parcel of surface land, certain access roads, located as hereinafter described by map reference, 20 feet, more or less, in width and extending from said parcel to West Virginia State Road 17 and/or to dedicated roadways within the aforesaid Minden Subdivision. The party of the first part also grants to the party of the second part an easement for an electric power line tap extending from an existing pole of the Appalachian Power Company to the above described parcel of surface land, said easement running along and with that certain access road, of those above mentioned, which leads to the westerly edge of the above described parcel of surface land. The said parcel of surface land, colored in

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yellow, and the said access roads (together with the said power line easement), colored in pink, are shown on a whiteprint map attached hereto and made a part hereof, entitled:

BERWIND CORPORATION
NEW RIVER AND POCAHONTAS DIVISION
MINDEN PROPERTY

March 16, 1970

Scale: 1" = 100'

LEGEND



Surface Area To Be Conveyed To
E. WILLIAM SHAFFER

Situate in Fayetteville District, Fayette County, West Virginia

The above described parcel of surface land, and the said access roads, are part of party of the first part's Tract 5, W. D., E. D. and M. W. Thurmond, 446.63 Ac.; and of Tract 31, S. B. Woods, 61.00 Ac.; and comprise a portion of the real estate conveyed to The Berwind-White Coal Mining Company (now Berwind Corporation by change of corporate name) by Confirmatory Deed from New River and Pocahontas Consolidated Coal Company, dated October 1, 1964, and recorded in Deed Book 259, page 462, Fayette County Court Clerk's Office. The parcel of land hereby conveyed is assessed for ad valorem taxation to the party of the first part in Fayetteville District, Fayette County, W. Va., with 0.94 acres of said parcel being included within a tract of 465.08 acres fee, designated as Consolidation No. 4, Arbuckle Creek; and 0.17 acres of said parcel being included within a tract of 45.82 acres fee, designated as Consolidation No. 5, Arbuckle Creek.

THERE ARE EXCEPTED AND RESERVED from this deed and not conveyed hereby the following, as set out in FIRST, SECOND, THIRD, FOURTH and FIFTH hereof:

FIRST: All of the coal, oil, gas and other minerals in and underlying the real estate herein described and hereby conveyed, together with the right to transport and convey all such coal, oil, gas and other minerals and things necessary or incident to the mining, removal and transportation of the same, in, through and under said lands, from any and all other lands, and the right to mine, remove and take away all of said coal, oil, gas, fire clay and other minerals, without liability for damages to support the surface of said land by subjacent or lateral support and without liability for damages to the surface of said land or to anything now or hereafter therein or thereon, including, but not limited to, buildings, structures and other improvements, wells, springs and water courses, arising or in any way resulting from the exercise of either or all of the reserved rights, but without the right to occupy the surface of said land for all or any of said reserved rights.

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SECOND: All rights of way and easements in, on and under the surface of said lands for roads, railroad, ways and utility ways and lines, lawfully vested in the public, or others, by grant, prescription, or otherwise.

THIRD: The entire electrical distribution system and all parts thereof situate upon the property hereby conveyed, together with all proper, convenient and necessary rights of way, rights and easements to construct, expand, extend, operate, and maintain or remove the said electrical distribution system, or any part thereof, and also the right and easement to construct, extend, operate and maintain or remove electrical power lines, with all necessary poles, anchors, wires and fixtures, and the right to permit the attachment of others to said poles, on and over the property herein conveyed, with services and extensions therefrom, and the right of ingress and egress to and from, and over said property, together with the right to cut or trim any trees which may endanger the safety of or interfere with the construction and use of said electrical power lines.

FOURTH: The entire water distribution line and system in, on, over and across the real estate herein described and hereby conveyed, together with all necessary rights, rights of way and easements in, over and across said real estate, to receive and distribute water, and for the maintenance, enlargement, construction, reconstruction, repair and improvement of said water distribution lines and system, with convenient rights of ingress and egress to and from the same and with the right to make such excavations as may be necessary for the installation, removal, replacement, construction, reconstruction, enlargement or relocation of any and all parts of said water distribution system, provided, however, that all ground and all property conditions shall be restored, repaired or replaced as of their former condition upon the completion of the exercise of any or all of such reserved rights.

FIFTH: The right to construct, maintain, use and operate adjacent to and within the vicinity of the described and conveyed real estate, coal tipples, loading facilities, preparation and cleaning plants and facilities, coke and by-product structures and facilities, gob and refuse dumps and piles, whether burning or not, pumps and drains and all other mining plant, appurtenances and operations, without liability for damage or injury to and destruction of said real estate and anything now or hereafter therein and thereon including but not limited to buildings, structures and improvements, trees and other growing things, and property, arising out of or resulting from, including without limitation, noise, vibration, smoke, dust, fumes, noxious gases, air pollution, stream pollution, water substances, discharge of mine waters through natural or artificial courses and channels, and diversion of waters and streams.

Under penalties of fine and imprisonment as provided by law, the undersigned hereby declares that the total consideration paid or to be paid for the property hereby conveyed is Five Thousand Dollars (\$5,000.00).

IN WITNESS WHEREOF, the party of the first part has caused its corporate name to be signed and its corporate seal to be affixed

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by its duly authorized officers thereunto the day and date first here-
inbefore written.

BERWIND CORPORATION

ATTEST:

Seal

By 5/ Zeb H. Herndon
Vice President

3/ Robert M. Bennet
Assistant Secretary

STATE OF WEST VIRGINIA }
COUNTY OF KANAWHA } SS:

I, Susan T. Kern, a Notary Public of the
said County, in the State aforesaid, do certify that ZEB H. HERNDON,
who signed the writing hereto annexed for BERWIND CORPORATION, a
corporation, has this day, in my said county, before me, acknowledged
the said writing to be the act and deed of said corporation.

My commission expires November 30, 1972.

Given under my hand and notarial seal, this the 18th day
of March, 1970.

3/ Susan T. Kern
Notary Public

*Notarial
SEAL*

W. Va. State & County
Property Transfer Tax
Stamps affixed \$16.50

This instrument was prepared by
Zeb H. Herndon, Attorney at Law,
Charleston, West Virginia

East Va. Fayette County Court Clerk's Office JUL 28 1968

The foregoing writing was this day presented to me in my said
office and thereupon, together with this certificate hereto annexed
is admitted to record.

Jesse H. E. JANNEY, Clerk

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